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8 **UNITED STATE DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 LINDA WEIL,

11 Plaintiff,

12 vs.

13 WALMART, INC., a Foreign Corporation;
14 ROE ENTITIES I-X, inclusive,

15 Defendants.
16

CASE NO.: 2:21-cv-01631-JAD-EJY

**STIPULATION AND ORDER TO
EXTEND BRIEFING DEADLINES**

(FIRST REQUEST)

17 COME NOW Defendant WALMART, INC. (“Defendant”), by and through its counsel of
18 record TROY A. CLARK, ESQ., and MATTHEW B. BECKSTEAD, ESQ., of the law firm
19 RESNICK & LOUIS, P.C., and Plaintiff LINDA WEIL (“Plaintiff”), by and through her counsel
20 of record, ANDRE M. LAGOMARSINO, ESQ., and CORY M. FORD, ESQ., of the law firm of
21 LAGOMARSINO LAW, and do hereby stipulate to extend the briefing deadline for the Reply
22 briefs pertaining to Defendant’s Countermotion for Fees and Costs and to the Extent It Is
23 Necessary, Walmart, Inc.’s Countermotion to Withdraw Deemed Admissions that was filed on
24 April 4, 2022 [ECF No. 23]. Pursuant to the Local Rule IA 6-1(b), the parties hereby aver that
25 this is the parties’ first such extension requested regarding this subject. The parties are requesting
26 a deadline of 7 days from the entry of the Court’s entry of this Order, should the Court grant it.

27 Plaintiff filed Plaintiff’s Partial Motion for Summary Judgment on March 4, 2022 [ECF
28

1 No. 13].¹ The Court granted the parties' Stipulation and Order Extending Time to File Opposition
2 to Plaintiff's Linda Weil's [sic] Motion for Partial Summary Judgment [ECF 13] on April 1, 2022,
3 extending the deadline to file an Opposition to April 1, 2022 [ECF 20]. Defendant's current
4 counsel of record substituted in as counsel of record by of this Court's Order granting the
5 Substitution of Counsel entered on April 4, 2022. [ECF No. 25]. April 4th was the same day the
6 Defendant's prior counsel filed the Defendant's Countermotion for Fees and Costs and to the
7 Extent It Is Necessary, Walmart's Countermotion to Withdraw Deemed Admissions [ECF Nos.
8 22 and 23]. Mr. Beckstead, lead associate counsel for Defendant in this matter, was inadvertently
9 omitted, at first, from the electronic service list for this matter by defense counsel's firm during
10 the transition. As a result, Mr. Beckstead was not affirmatively notified of Plaintiff's Oppositions
11 to Walmart's Countermotions for Fees and Costs and to Withdraw Deemed Admissions filed on
12 April 15, 2022, when they were filed [ECF Nos. 30 and 31]. Accordingly, the parties are hereby
13 seeking the Court's order allowing 7 days' time for Defendant to file its reply briefs.

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27 ¹ This Motion was also filed as ECF No. 15, but the Court docket appears to contain a statement from the Clerk of the
28 Court reading, "This Motion appears to be duplicate of ECF No. 13. Motion terminated and linked to Motion 13 for
court review." The Court made a similar entry pertaining to the Appendices filed as ECF 14 and 16.

The parties hereby stipulate that the reply briefs shall be limited to the arguments already made in the counter motions and oppositions, in a manner consistent with controlling case law. *See Autotel v. Nevada Bell Tel. Co.*, 697 F.3d 846, 852 n.3 (9th Cir. 2012) (“[A]rguments raised for the first time in reply brief are waived.”). The parties also stipulate that Defendant will only utilize evidence and information that was available at the time of the original filing deadline for the two reply briefs.

Dated this 27th day of July 2022

Dated this 27th day of July 2022

RESNICK & LOUIS, P.C.

LAGOMARSINO LAW

/s/ Matthew B. Beckstead

/s/ Cory M. Ford

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IT IS SO ORDERED:


UNITED STATES MAGISTRATE JUDGE

DATED: July 28, 2022